

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID SABINO QUAIR III,

Petitioner,

v.

MATT DARBY,

Respondent.

Case No. 1:22-cv-01142-JLT-EPG-HC

ORDER GRANTING PETITIONER
ADDITIONAL TIME TO FILE
OBJECTIONS TO FINDINGS AND
RECOMMENDATION

Petitioner David Sabino Quair III is a state prisoner proceeding *pro se* in a habeas corpus action pursuant to 28 U.S.C. § 2254.

On August 22, 2022, Petitioner filed the instant petition for writ of habeas corpus. (ECF No. 1.) On September 9, 2022, the Court ordered Petitioner to show cause why the petition should not be dismissed as unexhausted. (ECF No. 9.) On January 5, 2023, the undersigned issued findings and recommendation to dismiss the petition without prejudice for failure to exhaust state court remedies. (ECF No. 20.) The findings and recommendation was served on Petitioner and contained notice that any objections were to be filed within thirty (30) days of the date of service of the findings and recommendation. In lieu of filing objections, Petitioner filed a notice of appeal on January 17, 2023. (ECF No. 21.) On January 30, 2023, the appeal was dismissed for lack of jurisdiction, and the mandate issued on February 21, 2023. (ECF Nos. 27, 28.)

1 In the interest of justice, the Court will grant Petitioner additional time to file any
2 objections to the findings and recommendation. Within **THIRTY (30) days** after service of this
3 order, Petitioner may file written objections with the Court. Such a document should be
4 captioned "Objections to Magistrate Judge's Findings and Recommendation." The assigned
5 United States District Court Judge will then review the Magistrate Judge's ruling pursuant to 28
6 U.S.C. § 636(b)(1)(C).

7
8 IT IS SO ORDERED.

9 Dated: **March 3, 2023**

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE